

FIRST NOTICE AND DEMAND TO CEASE AND DESIST

#2:14-CR-00027-NDF-2 (USDC / U.S. DISTRICT COURT DISTRICT OF WYOMING)

Margin

("SEALED" [sic])

Notes:

TO: Ms. Nancy D. Freudenthal
% U.S. District Court ("USDC")

2014 JUN 16 PM 2 44

STEPHAN HARRIS, CLERK
CHEYENNE2120 Capitol Ave, 2nd Floor

Cheyenne 82001

Wyoming, USA

DATE: June 6, 2014 A.D.

18 USC 1519

RE: malicious prosecution, fraudulent concealment etc.
 Formal DEMAND is hereby made of you to
 immediately recuse yourself from the instant
 case, retroactive to the hearing on 3/21/2014,
 and to cease and desist from any further
 attempts to preside upon such case at any time
 in the future, for reasons including but
not limited to the following:

"DWY"

(1) the USDC for the District of Wyoming lacks
 jurisdiction in personam, due chiefly to
 multiple violations of 28 U.S.C. 1691 by Clerk's
 Office personnel; absent the requisite credentials,
 Stephan Harris cannot perform any duties
 conferred upon that Office: see "Clerks or Jerks?
 The Pivotal Duties of Federal Court Clerks,"
 by the Undersigned, which is incorporated
 by reference, as if set forth fully here;

28 USC 1691

fraudulent
concealment

author

28 USC 1654

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(2) you have violated 28 U.S.C. 1654 by knowingly,
 and fraudulently, maintaining false and

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Margin
Notes:

18 USC 1001

misleading docket entries showing the Undersigned as "legally represented by Mark C. Hardie" [sic], when the 2-hour hearing on 3/21/2014 should have made it entirely obvious to you that the Undersigned has always proceeded pro Propria Persona - by getting to appear "personally" under

28 USC 1654

cf. "plain error"

28 U.S.C. 1654 and NOT "by counsel" [sic]; cf. ^{arraignment}

(3) you have stubbornly repeated plain errors by fostering the fallacious notion that a litigant who gets to appear personally has effectively "waived" counsel, and is therefore not entitled to adequate technical assistance of counsel; that fallacy is flatly contradicted by standing case

28 USC 1654

28 USC 1654

6th Amend.

law under 28 U.S.C. 1654 (cf. also cases re: "Pro Se" litigants), and under the Sixth Amendment, in which the correct meaning of "assistance of counsel" has been well established for more than a century (cf. "stare decisis" as explained in U.S. v. Mason);

S. Ct.

(4) you have also manifested evidence that you have failed to read statutes such as 28 U.S.C. 1654 before hearings; your ^{gross} negligence in this manner was painfully obvious on 3/21/2014, when you paused for some time to access and read 18 U.S.C. 1504, giving all present reason to conclude that you had not

28 USC 1654

18 USC 1504

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Notes:

18 USC 1504

malicious
prosecutionmalicious
prosecutionMark C.
HardeeJohnson
v. Zerbst,
S. Ct.

28 USC 1746

FRCP
Rule 2

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reviewed that statute prior to that hearing:
 the last paragraph is one element essential
 to this litigant's defense against all of
 the false charges enumerated in the charging
 document aka "indictment"; cf. 18 USC 1504 (LexisNexis);
 (5) you have allowed the Court to proceed
out of order by neglecting to adjudicate
 the two (2) MOTIONS TO DISMISS filed by
 this litigant to date, and by failing to ensure
 that any pleading(s) in opposition to said
 MOTIONS were duhly served on this litigant;
 even if Mr. "Hardee" did receive electronic
copies of all such opposition pleadings,
 he failed to forward copies of same to this
 litigant: those failures constitute positive
 proof of ineffective assistance of Counsel,
 which has resulted in OUSTING the Court
 of jurisdiction; see Johnson v. Zerbst here;
 (6) the Court was provided with an itemized
AFFIDAVIT of 28 MOVES this litigant has endured,
 in violation of the Eighth Amendment; but,
 on 6/3/2014 you acted as if those 28 MOVES
 were "news" to you; your ignorance of
 those 28 MOVES calls for the conclusion
 that you are NOT reading this litigant's
 pleadings, necessarily causing multiple
 violations of the Petition Clause and also
 FRCP Rule 2 re: fairness, and justice; ^(fair and just)

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Margin
NOTES:(7) your ignorance and negligence regardingcredentials has rendered you civily liable

to this litigant under 42 U.S.C. 1985-86, if not

also criminally liable under 18 U.S.C. 2, 3, 912,1513, 1519, and 1962, for starters; mandatory

OATHs OF OFFICE did necessarily impose a clear

legal duty upon you to confirm that all

Clerk's Office personnel at the USDC/DWY

were at all times in full compliance with

all laws previously cited in this litigant's

several pleadings, as a matter of fact;

that duty of yours began when you were

first admitted to the Wyoming State Bar,

and has continued without interruption

right up to the present: There is no statute

of limitations for fraud; see Art. II, cl. 3 (OATHs);

(8) the Chief Judge of a Federal Court has

supervisory responsibility for all subordinates,such as Clerk's Office personnel, particularly

when key authorities must be delegated

to those subordinates by the same Federal

Court on which the Chief Judge presides, or

claims to preside: here cf. "respondeatsuperior" aka vicarious liability in parimateria with 18 U.S.C. 1964 (Civil RICO);

(9) absent all requisite credentials, Mr. Harris

cannot be delegated any authorities by the court,

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Notes:28 USC 1861
et seq.28 USC 951;
5 USC 2906
(the "court")Stump v.
Sparkman

ICCPR

cf. Supremacy
Clausefraudulent
concealment
18 USC 1519

"RUD"

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nor can Mr. Harris delegate any authority(s) to any subordinate Deputies; likewise, Mr. Harris cannot select or summon jurors: the Federal Jury Selection and Service Act defines who may select and summon Federal juries, be they grand or petit (trial) juries, be they civil or criminal juries; as such, vicarious liability touches both Mr. Frendensthal and Mr. Harris insofar as 28 U.S.C. 951 and 5 U.S.C. 2906 are flagrantly and repeatedly being violated in the instant case, and other cases; (10) the issue of your liabilities to me is directly addressed in Stump v. Sparkman and in the International Covenant on Civil and Political Rights ("ICCPR"): in the former, the U.S. Supreme Court has already held that a Federal Judge is liable to all Proper Parties when the Court clearly lacks jurisdiction; in the latter United States Treaty, judicial officers are made liable for violating the Fundamental Rights of Parties, notwithstanding that such violations were committed by Court personnel acting in their "official" capacities; also, the "not self-executing" clause in Congress' Reservations, Understandings and Declarations ("RUD") clearly violates the Petition Clause, First Amendment: - 5 of 6 - ^{read:} no private right of action.

Margin
Notes:

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First, (11) the official record in the instant case
Fourth, now documents numerous violations
Fifth, of this litigant's Fundamental Rights,
Sixth, as guaranteed by the ICCPR supra and
Seventh, by the First, Fourth, Fifth, Sixth,
Eighth, Seventh, Eighth and Tenth Amendments,
Tenth, and Article VI, Clause 2 (Supremacy Clause)
Amends; and Clause 3 (Oath of Office) in the U.S. Constitution.
Art. VI,
Cl. 2, 3

- INCORPORATION -

The Undersigned now incorporates his
prior DEMAND FOR RECUSAL as already
filed and served in the instant case,
as if the same were set forth fully here.

Respectfully submitted June 6, 2014 A.D.
Paul Andrew Mitchell (chosen name*)
Paul Andrew Mitchell, B.A., M.S.

28 USC 1654 Relator In Propria Persona, 28 U.S.C. 1654;
18 USC 1964 Private Attorney General, 18 U.S.C. 1964,
Rotella v. Wood, 528 U.S. 549 (2000)

(Objectives of Civil RICO)

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* See Doe v. Dunning, Washington State Supreme
Court (re: fundamental law, common law
right, to change one's name)

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INMATE NAME: MODELETSKI, M.P. (given name)
SCOTTS BLUFF COUNTY DETENTION CENTER
PO BOX 130
GERING, NE 69341-0130



NORTH PLATTE NE 691

13 JUN 2014 PM 1 L

SBCDC Disclaims Any Responsibility For
The Nature of the Content of this Correspondence

Re:

#2:14-CR-00027-NDF-2

TO: Office of Clerk of Court

U.S. District Court

2120 Capitol Ave., 2nd Floor

Cheyenne 82001

Wyoming, USA

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Caf. VCC 1-308

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